

REMARKS:

In Respect to the Drawings:

The approach ramp is amended as "the air-gathering pipeline connects the gather point with the air intake check valve and has a shape as a reinforce rib with an inclined top, a low end of the inclined top smoothly approaches the sole." Which are clearly shown in the Figs. 1, 2 and 3. The inclined top is 14.

The moveable soft underlay is clearly shown in the Fig.1 with a reference No. 6. It is an underlay for supporting the pipe keeping through for air. It is a common knowledge Known by the skill person in the art. Therefore, another detail fig. is unnecessary.

In Respect to the Abstract, Specification:

The applicant will provide a complete correction for the abstract and specification after the claims being allowable.

In Respect to the Claim Objections:

The claim objection is overcome by the amendment of the claims.

In Respect to the Claim Rejections-35 USC 112:

The claim rejections - 35 USC 112 are overcome by the amendment of claims.

The amendment of claims is supported by the specification and drawings:

In claim 1:

The content of "a step existed between the heel and a sole of the shoe, the step, sole and ground define a space of wedge shape" is supported by the description at P1, lines 19-20 and the Fig. 2.

The content of "the air-gathering pipeline ----has a shape as a reinforce rib with an inclined top, a low end of the inclined top smoothly approaches the sole" is supported by the description at P 3, line 27 to P4, line 3 and the Fig. 2.

In claim 6:

The content of "a L-shaped installation groove is set on the space of wedge shape" is supported by the description at P 4. Lines 21 to 28 and Figs. 2 and 3.

In Respect to the Claim Rejections- 35 USC 102:

"The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims. The modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. See MPEP § 2131 - § 2146 for guidance on patentability determinations under 35 U.S.C. 102 and 103."

Regarding Claims 1 and 2 are rejected under U.S.C.102 (b) as being anticipated by US 5477626 to Kwon:

1. The main differences between claim 1 and Kwon are that:

"the vent-slots on the sole gather together at a gather point near a middle center of a toes transverse line that is near a side of the space of wedge shape;"

"an air-gathering pipeline is disposed in the space of wedge shape for getting maxima cross section and minima air resistance, the air-gathering pipeline connects the gather point with the air intake check valve and has a shape as a reinforce rib with a inclined top, a low end of the inclined top smoothly approaches the sole."

The main purposes of above-mentioned creative structure are to make the air-gathering pipeline becoming short with maxima large cross section to greatly decrease the air resistance under the condition without increasing the height of sole and heel. It is very important for improving the ventilated effect for the shoe obviously. In addition, the air-gathering pipeline is designed as a reinforce rib, which reinforces the sole of the shoe.

Therefore, the new ventilated shoe of the claim overcome the shortages of the ventilated shoe in market, such as weak ventilation, sole being easy break and too thick of the sole. As the ventilated shoe has huge market, the improvement has very high commerce value.

Kwon disclose a ventilated shoe, but he does not teach the structure and arrangement for reducing the air resistance. In Kwon the air passage are thin and long and existed inside of the sole. Therefore, the air resistance is big.

The claim 1 is patentable under U.S.C.102 (b) over US 5477626 to Kwon because Kwon does not teach every aspect of the claimed invention either explicitly or impliedly.

2. The claim 2 is merged into claim 1.

In respect to the Claim Rejections- 35 USC 103:

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.1991). See MPEP 2143-2143.03 for decisions pertinent to each of these criteria."

Regarding claim 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0010939 to Liu et al. (Liu) in view of Kwon:

3. The differences described in the above-comment 1 of this paper are correct too for the comparison between the claim 1 and Liu. Especially, Liu does not disclose that "an air-gathering pipeline is disposed in the space of wedge shape for getting maxima cross section and minima air resistance, the air-gathering pipeline connects the gather point with the air intake check valve and has a shape as a reinforce rib with a inclined top, a low end of the

inclined top smoothly approaches the sole." In Liu no heel step is existed. Also, Liu does not discuss a structure or arrangement for reducing the air resistance.

Therefore the claim 1 is patentable under 35 U.S.C. 103(a) over US 2004/0010939 to Liu et al. in view of Kwon, because there no some suggestion or motivation for reducing air resistance by improving structure of shoe, either in the Liu in view kwon or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there is no a reasonable expectation of success if use the teach of Liu in view kwon for reducing air resistance. Finally, the Liu in view Kwon do not teach or suggest all the limitations of the claim 1.

4. The claim 2 is canceled.

Regarding claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu and Kwon as applied to claims 1 and 2, and further in view of Pin:

5. The claims 3-5 are dependent claims of claim 1 ultimately; they possess all new features of claim 1. Therefore, the claims 3-5 are patentable.

6. The claim 6 has new features that are not disclosed by Liu and Kwon and further in view of Pin as follows:

"a L-shaped installation groove is set on the space of wedge shape for getting maxima cross section and minima air resistance". This new feature is important; the reason is described in the above-comment 1 of this paper and will not be repeated here again.

Furthermore, the claim 6 is a dependent claim of claim 1 ultimately; it possesses all new features of claim 1. Therefore, the claim 6 is patentable.

Regarding claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pin:

The claims 3-5 are dependent claims of claim 1 ultimately; they possess all new features of claim 1. Therefore, the claims 3-5 are patentable.

Regarding claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu/ Kwon/ Pin as applied to claims 1-6 above, and further in view of US 1576767 to Chauncey et al. (Chauncey):

The claim 7 has a new feature that is not disclosed by Liu/ Kwon/ Pin and Chauncey as follows:

"There is a moveable soft underlay inside the soft pipe."

In claim 7 the new feature is a moveable underlay for supporting the pipe to keep through for air. Chauncey discloses a coating in interior surfaces of pipes for against corrosion. Both are different articles and having different function.

Furthermore, the claim 7 is a dependent claim of claims 1 and 6, it possess all new features of claims 1 and 6. Therefore, the claim 7 is patentable.

Any small improvement in ventilated shoe will bring huge commercial benefit as its huge market in world. The applicant respectfully requests Examiner to consider the commercial success when examination.

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Tianhua Gu
Reg. No. 52480
Global IP Services (56352)
Tel. No. 209-676-2219